IN THE HIGH COURT OF PUNJAB AND HARYANA, CHANIDGARH.

DATE OF Decision: 13.9.2006

Shankar Lal ..Petitioner

Versus

Pawan Kumar Jain ..Respondent

CORAM: HON'BLE MR. JUSTICE H.S.BHALLA

Present:- Mr. Sudhir Aggarwal, Advocate
for the petitioner.

None for the respondent.

H.S.BHALLA, J.

It is crystal clear from the record that the Appellate Authority, Gurgaon dismissed the petition of the landlord on the ground that the eviction of the petitioner cannot be ordered under the provisions of the Rent Act and since it was found by the appellate authority that the demised premises is beyond the purview of the Rent Act, the order passed by the Rent Controller, Gurgaon was set aside. Aggrieved against the order dated 28.7.2000 passed by the appellate authority, the present petitioner has knocked the door of this Court.

The learned counsel appearing for the petitioner, at the very outset, has placed on record copy of the notification dated October 18, 2001, which runs as under:-

" Haryana Government

Urban Development Department

(Committees)

Notification

The 18th October, 2001

No. 15/21/97-2CI:- In exercise of the powers conferred by

Sub-section (1) and (6) of Section 3 of the Haryana Municipal Act, 1973 (Act 24 of 1973) and all other powers enabling him in this behalf and with reference to Haryana Government, Urban Development Department (Committees), notification No.15/21/97-2CI, dated the 6th August, 2001, the Governor of Haryana hereby declare the local area as mentioned in the Schedule given below to be a municipality in the name of Municipal Committee, Haily Mandi in District Gurgaon.

Schedule of Boundaries

As defined in the Haryana Government Notification No.15/21/97-2CI, dated 6th August, 2001.

Chandigarh MANIK SONAWANE,

16.10.2001 Commissioner and Secretary to Government

Haryana, Urban Development Department"

On the strength of this notification, learned counsel appearing for the petitioner has prayed that the matter is liable to be remanded. As per the notification, the demised premises in question is under the Municipal Committee, Haily Mandi in District Gurgaon, and as such, is covered under the Rent Act.

Without going into the merits of the case and considering the fact that the area in question has been re-notified as an urban area, the present revision petition is allowed. The judgment dated 28.7.2000 passed by the learned Appellate Authority, Gurgaon, is set aside. The matter is remanded to the Court of Appellate Authority Gurgaon, for a fresh decision. Keeping in view the fact that the matter pertains to the year 1993, the Appellate Authority, Gurgaon, is directed to dispose of the appeal in accordance with law, preferably within a period of four months.

Parties are directed to appear before the District Judge,

Gurgaon on 15.11.2006.

13.9.2006 (H.S.BHALLA)
VK JUDGE